

CHECKLIST ENVIRONMENTAL ASSESSMENT

Project Name:	Gurnett Creek – Decorative Surface Rock Extraction
Proposed Implementation Date:	June 15, 2007
Proponent:	Jared Wright
Location:	Section 16, Township 8 North, Range 3 East
County:	Broadwater
Trust:	Common Schools

I. TYPE AND PURPOSE OF ACTION

Proponent would like to extract ≤40 tons of decorative rock from the Gurnett Creek tract, which is located in Section 16, Township 8 North, Range 3 East, Broadwater County, Montana. Proposed activity would consist of removing exposed surface rock using a small loader. Excavation and/or digging of the soil to extract rocks would not be permitted. Soil disturbed during the proposed activity would be leveled to appropriate grade and grass seeded. Extraction of rock from the stream side management zone and/or draws, as well as cutting vegetation would not be allowed. Equipment used in the extraction process would need to be pressure washed so that it is free of weeds and debris.

II. PROJECT DEVELOPMENT

1. PUBLIC INVOLVEMENT, AGENCIES, GROUPS OR INDIVIDUALS CONTACTED:

Provide a brief chronology of the scoping and ongoing involvement for this project.

Scoping of the proposed action consist of contacting Round Grove Ranch, the current grazing lease holder to determine if there are any potential conflicts.

2. OTHER GOVERNMENTAL AGENCIES WITH JURISDICTION, LIST OF PERMITS NEEDED:

Weed Management:

The Montana County Noxious Weed Control Law (MCA 7-2101 through -2153) was established in 1948 to protect Montana from destructive noxious weeds. This act, amended in 1991, has established a set of criteria for the control and management of noxious weeds in Montana. Noxious weeds are defined by this act as being any exotic plant species which may render land unfit for agriculture, forestry, livestock, wildlife or other beneficial uses or that may harm native plant communities. Plants can be designated statewide noxious weeds by rule of the Department of Agriculture or county-wide noxious weeds by district weed boards following public notice of intent and a public hearing.

The noxious weed control law establishes weed management districts throughout the state. These management districts are commonly called county weed control districts and are defined by the boundaries of the county. Currently, there are 56 weed control districts within Montana.

After the establishment of a county weed management district, a county weed board is appointed by the county commissioners of each district to oversee responsibilities established by the noxious weed control law. A county weed board must consist of at least three members and no more than nine members, a majority of who must be agricultural landowners. County weed board members are considered public officers of the county, and may call upon the county attorney for legal advice and services.

The County Noxious Weed Control Law commissions the county weed boards with three main responsibilities. They are:

- to develop and administer the district's noxious weed program,
- to establish management criteria for noxious weeds on all lands within the district,
- to make all efforts to develop and implement a noxious weed program covering all land within the district owned or administered by a federal agency.¹

**Montana Department of Environmental Quality
Permitting & Compliance Division - Hard Rock Program, Small Miner Exclusion Statement:**

Small Miner Exclusion Statement (SMES) is not actually a permit or license per se, but an "exclusion" from obtaining an operating (full-scale mining) permit as the name implies. It consists of a signed and notarized affidavit stating that an operator will stay within the requirements or conditions of the exclusion. An SMES basically excludes small operators from the stricter requirements of the MMRA if they meet several conditions. Those conditions are:

- A. The operator will conduct an operation resulting in not more than 5 acres of surface disturbance (including roads, except that access roads may be bonded for reclamation at the operators option, and thereby not counted against the 5 acres), or two operations which disturb and leave un-reclaimed less than 5 acres per operation if the respective mining properties are:
 - 1.the only operations engaged in by the person or company
 - 2.at least one mile apart at their closest point;
- B. The operator cannot pollute or contaminate any stream.
- C. The operator provides appropriate protection for human and animal life at underground mine sites through the installation of bulkheads placed over safety collars, and the installation of doors on portals.
- D. The operator provides DEQ with an appropriate map of his/her operation, and files a renewal annually that describes what has been done in the past year, and what is proposed for the coming year.
- E. The operator must comply with the Noxious Weed Management Act. For more information about this Act, please contact the Montana DEQ's Hard Rock Program or your county Weed District office.
- F. For Small Miner Exclusion Statements obtained after September 30, 1985, a small miner may not obtain or continue an exclusion unless he/she annually certifies in writing that:
 - (a) the small miner is a person or legal entity that:
 - (i) *no business association or partnership of which he/she is a member or partner has a small miner exclusion;*
 - AND-
 - (ii) *no corporation of which he/she is an officer, director, or owner of record of 25% or more of any class of voting stock has a small miner exclusion;*
 - OR-

¹ Ag / Extension Communications for Montana State University. Available at: <http://www.montana.edu/wwwpb/pubs/mt9605.html>

(b) if the small miner is a partnership or business association, that:

(i) none of the associates or partners holds a small miner exclusion;

-AND-

(ii) none of the associates or partners is an officer, director, or owner of 25% or more of any class of voting stock of a corporation that has a small miner exclusion;

-OR-

(c) if the small miner is a corporation, that no officer, director, or owner of record of 25% or more of any class of voting stock of the corporation:

(i) holds a small miner exclusion;

-OR-

(ii) is a member or partner in a business association or partnership that holds a small miner exclusion;

-OR-

(iii) is an officer, director, or owner of record of 25% or more of any class of voting stock of another corporation that holds a small miner exclusion.

Obtaining an SMES: An SMES can be obtained by writing, stopping by, or calling the Hard Rock Program at DEQ's Main Office in Helena:

Montana DEQ - Hard Rock Program
1520 East 6th Avenue
PO Box 200901
Helena, Montana 59620-0901
Telephone: (406) 444-4953
Fax: (406) 444-1374

3. ALTERNATIVES CONSIDERED:

3.1 Introduction:

Alternatives including the proposed action are the heart of this "Checklist Environmental Assessment". The purpose of this section is to describe the alternatives, comparing them in terms of environmental impacts and achieved objectives.

3.2 Description of Alternatives:

This section describes the activities of the No Action Alternative and all other Action Alternatives.

3.2.1 Alternative A: No Action

3.2.1.1 Principle Actions: Alternative A

Rock harvesting would be allowed, however ongoing State Trust Land management activities would continue as follows:

- **Livestock grazing** - existing grazing lease #2456 would continue in the project area contributing \$1,071.00 (119 AUM's x \$9.00) annually to the State Trust.
- **Fire suppression** - human and natural caused fires would be suppressed by the DNRC, volunteer fire departments, and other government agencies.
- **Hunting** - deer, elk, bear, other big game hunting, as well as upland game bird hunting would continue according to the rules and regulations set forth by Montana Department of Fish, Wildlife & Parks. Beginning in 2004, purchase of a conservation license authorized use of accessible trust lands for hunting and fishing.
- **Public vehicle access** - existing motorized access privileges, as well as limitations, would remain the same. Currently this area is not open to public motorized use, except for the County Road.
- **Hiking and other recreational uses** - persons having a valid State Trust Land Recreational Use Permit are welcome to hike, pick chokecherries, or perform other outdoor activities on legally accessible portions of this acreage.

3.2.2 Alternative B: Decorative Surface Rock Extraction:

3.2.2.1 Principle Actions: Alternative B

If Alternative "B" were selected for implementation, the following actions would occur:

- **Proposed Project.** Activity would consist of removing exposed surface rock using a small loader. Excavation and/or digging of the soil to extract rocks would not be permitted. Soil disturbed during the proposed activity would be leveled to appropriate grade and grass seeded. Extraction of rock from the stream side management zone and/or draws, as well as cutting vegetation would not be allowed. Equipment used in the extraction process would need to be pressure washed so that it is free of weeds and debris.
- **Revenue to Trust.** This small volume permit would provide a return of \$400.00 (40 ton x \$10.00/ton) to the common school trust.

III. IMPACTS ON THE PHYSICAL ENVIRONMENT

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
- *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
- *Enter "NONE" if no impacts are identified or the resource is not present.*

4. GEOLOGY AND SOIL QUALITY, STABILITY AND MOISTURE:

Consider the presence of fragile, compactable or unstable soils. Identify unusual geologic features. Specify any special reclamation considerations. Identify any cumulative impacts to soils.

Proposed activity should not adversely impact soil due to the relatively small nature of this project. Surface rock extraction would be the only activity permitted under the proposed alternative. Any soil disturbance that may occur would be leveled to appropriate grade and grass seeded. Cutting or damaging vegetation to extract rock would not be allowed. Extraction of rock from draws or the SMZ would be prohibited.

5. WATER QUALITY, QUANTITY AND DISTRIBUTION:

Identify important surface or groundwater resources. Consider the potential for violation of ambient water quality standards, drinking water maximum contaminant levels, or degradation of water quality. Identify cumulative effects to water resources.

Proposed activity should not adversely impact water quality due to the relatively small nature of this project. Extraction of rock from draws or SMZ's are prohibited. Grass seeding of exposed soil should reduce sediment runoff.

6. AIR QUALITY:

What pollutants or particulate would be produced? Identify air quality regulations or zones (e.g. Class I air shed) the project would influence. Identify cumulative effects to air quality.

Due to the small scope of this project in both duration of time and quantity of product, adverse impacts to air quality are not expected.

7. VEGETATION COVER, QUANTITY AND QUALITY:

What changes would the action cause to vegetative communities? Consider rare plants or cover types that would be affected. Identify cumulative effects to vegetation.

Due to the small scope of this project and the fact that cutting and/or damage to the existing vegetation is prohibited, adverse impacts to air quality are not expected.

8. TERRESTRIAL, AVIAN AND AQUATIC LIFE AND HABITATS:

Consider substantial habitat values and use of the area by wildlife, birds or fish. Identify cumulative effects to fish and wildlife.

Adverse impacts to habitat used by wildlife, birds or fish are not expected due to the limited extent of this project.

9. UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES:

Consider any federally listed threatened or endangered species or habitat identified in the project area. Determine effects to wetlands. Consider Sensitive Species or Species of special concern. Identify cumulative effects to these species and their habitat.

Adverse impacts to unique, endangered, fragile or environmental resources are not expected due limited size of this project.

10. HISTORICAL AND ARCHAEOLOGICAL SITES:

Identify and determine effects to historical, archaeological or paleontological resources.

Negative impacts are not expected.

11. AESTHETICS:

Determine if the project is located on a prominent topographic feature, or may be visible from populated or scenic areas. What level of noise, light or visual change would be produced? Identify cumulative effects to aesthetics.

Due to the large amount of rock scattered throughout this section of State Trust Land, removal of such a small volume of decorative rock should not adversely change the overall characteristics of the landscape.

12. DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AIR OR ENERGY:

Determine the amount of limited resources the project would require. Identify other activities nearby that the project would affect. Identify cumulative effects to environmental resources.

This project should not have cumulative impacts to environmental resources due to the limited extent of this project.

13. OTHER ENVIRONMENTAL DOCUMENTS PERTINENT TO THE AREA:

List other studies, plans or projects on this tract. Determine cumulative impacts likely to occur as a result of current private, state or federal actions in the analysis area, and from future proposed state actions in the analysis area that are under MEPA review (scoped) or permitting review by any state agency.

A Checklist Environmental Assessment as well as a Vegetative Analysis was conducted for timber harvesting activities that have recently concluded on the Gurnett Creek timber sale. Cumulative impacts are not likely due to the limited scope of the proposed project.

IV. IMPACTS ON THE HUMAN POPULATION

- *RESOURCES potentially impacted are listed on the form, followed by common issues that would be considered.*
 - *Explain POTENTIAL IMPACTS AND MITIGATIONS following each resource heading.*
 - *Enter "NONE" if no impacts are identified or the resource is not present.*
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14. HUMAN HEALTH AND SAFETY:

Identify any health and safety risks posed by the project.

None are expected.

15. INDUSTRIAL, COMMERCIAL AND AGRICULTURE ACTIVITIES AND PRODUCTION:

Identify how the project would add to or alter these activities.

Proposed project should not add to or alter the above mentioned activities.

16. QUANTITY AND DISTRIBUTION OF EMPLOYMENT:

Estimate the number of jobs the project would create, move or eliminate. Identify cumulative effects to the employment market.

None are expected.

17. LOCAL AND STATE TAX BASE AND TAX REVENUES:

Estimate tax revenue the project would create or eliminate. Identify cumulative effects to taxes and revenue.

None are expected.

18. DEMAND FOR GOVERNMENT SERVICES:

Estimate increases in traffic and changes to traffic patterns. What changes would be needed to fire protection, police, schools, etc.? Identify cumulative effects of this and other projects on government services

None are expected.

19. LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS:

List State, County, City, USFS, BLM, Tribal, and other zoning or management plans, and identify how they would affect this project.

None are expected.

20. ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES:

Identify any wilderness or recreational areas nearby or access routes through this tract. Determine the effects of the project on recreational potential within the tract. Identify cumulative effects to recreational and wilderness activities.

None are expected.

21. DENSITY AND DISTRIBUTION OF POPULATION AND HOUSING:

Estimate population changes and additional housing the project would require. Identify cumulative effects to population and housing.

None are expected.

22. SOCIAL STRUCTURES AND MORES:

Identify potential disruption of native or traditional lifestyles or communities.

None are expected.

23. CULTURAL UNIQUENESS AND DIVERSITY:

How would the action affect any unique quality of the area?

None are expected.

24. OTHER APPROPRIATE SOCIAL AND ECONOMIC CIRCUMSTANCES:

Estimate the return to the trust. Include appropriate economic analysis. Identify potential future uses for the analysis area other than existing management. Identify cumulative economic and social effects likely to occur as a result of the proposed action.

None are expected.

EA Checklist Prepared By:	Name:	Shawn Morgan	Date:	6/6/07
	Title:	Helena Unit Forester		

V. FINDING

25. ALTERNATIVE SELECTED:

Action Alternative "B" was selected, consisting of: Removing exposed surface rock using a small loader. Excavation and/or digging of the soil to extract rocks will not be permitted. Soil disturbed during the proposed activity will be leveled to appropriate grade and grass seeded. Extraction of rock from the stream side management zone and/or draws, as well as cutting vegetation will not be allowed. Equipment used in the extraction process will need to be pressure washed so that it is free of weeds and debris.

26. SIGNIFICANCE OF POTENTIAL IMPACTS:

No significant adverse effects are anticipated due to the small scale of the operation.

27. NEED FOR FURTHER ENVIRONMENTAL ANALYSIS:

☐ EIS ☐ More Detailed EA ☒ No Further Analysis

EA Checklist Approved By:	Name:	D.J. Bakken	
	Title:	Helena Unit Manager	
Signature:	/S/ Darrel J. Bakken		Date: 6/11/2007